

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Andhra Pradesh Vaidya Vidhana Parishad - District Hospital, Rajahmundry, East Godavari District - Theft occurred in the Cash Chest of the Hospital on 3/4-12-2003 - Negligence of duties - Sri M.M.Krishna Kumar, Manager (Retired), District Hospital, Rajahmundry - Disciplinary action - Orders of Hon'ble High Court imposing of punishment 25% cut in pension - Modified orders - Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (VC.II.2) DEPARTMENT

G.O.Ms.No.147

Dated: 22-06-2010.

Read the following:

1. G.O.Ms.No.70, HM&FW (VC.II.2) Dept., dt.10-03-2008.
2. Orders of Hon'ble APAT in O.A.No.3408/2008, dt.24-07-2009.
3. Orders of Hon'ble High Court in the W.P. No.21800/2009, dated 22-03-2010.

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ORDER:

In the reference 1st read above, orders were issued imposing the punishment of 100% cut in pension besides withholding of gratuity in full due to Sri M.M.Krishna Kumar, Manager (Retired), District Hospital, Rajahmundry for the lapse of negligence due to which theft occurred in the cash chest of the hospital in 12/2003.

2. Aggrieved by the above orders, Sri M.M.Krishna Kumar, Manager (Retired), District Hospital, Rajahmundry, East Godavari District has filed an O.A.No.3408/2008 in Andhra Pradesh Administrative Tribunal and the Hon'ble Tribunal has passed the orders dated 24-07-2009 in the O.A. wherein set aside the above punishment orders.

3. Government after examination of the above orders of Andhra Pradesh Administrative Tribunal in O.A.No.3408/2008 have appealed the aforesaid orders of the Andhra Pradesh Administrative Tribunal, dated 24-07-2009 before the Andhra Pradesh High Court in W.P.No.21800 of 2009.

4. The Hon'ble High Court has passed the orders dated 22-03-2010 in the W.P.No.21800/2009 is follows:

"Insofar as the punishment imposed on the respondent is concerned, the investigation done by the police pursuant to the registration of crime did not reveal his involvement in the said incident. Further, the theft occurred in the District Hospital, but not in the mid way i.e. from the Bank to the Hospital. Therefore, the petitioner, who was not in charge of the cash, is not responsible for the said incident occurred in the Hospital, but nonetheless, he has to be vigilance and careful in exercising his functions as Accused Officer. Though there was a little bit irresponsibility on the part of the respondent, there was no connivance with the cashier in regard to the alleged misappropriation. For irresponsibility, negligence and carelessness, the punishment imposed by the disciplinary authority is too harsh which pricks the conscious of the Courts, as rightly observed by the Tribunal. Hence, the impugned order needs no interference by this Court.

(P.T.O)

Since the petitioner has rendered 35 years of service without any remarks, and now retired from service without pensionary benefits, we are of the opinion that the punishment of 100% cut in pension besides withholding of gratuity in full on the ground of irresponsibility, negligence and carelessness without any ulterior motive is too harsh and totally disproportionate to the misconduct alleged and it certainly shock the judicial conscience and therefore, the said punishment is liable to be set aside.

In the facts and circumstances of the case, we deem it appropriate to remand the matter to the Disciplinary Authority to pass appropriate orders by imposing suitable punishment on the respondent for the charge framed against him, within a period of four months from the date of receipt of a copy of this order. Accordingly, the W.P. is disposed of. No order as to costs".

5. The Government have re-examined the matter in the light of the orders of Hon'ble High Court of Andhra Pradesh in the reference 3rd read above and have decided to order for 25% cut in pension, instead of 100% cut in pension on Sri M.M.Krishna Kumar, Manager (Retired), District Hospital, Rajahmundry.

6. Accordingly in partial modification of the orders issued in the G.O. 1st read above, the penalty of imposing 25% cut in pension is hereby imposed on Sri M.M.Krishna Kumar, Manager (Retired), District Hospital, Rajahmundry instead of 100% cut in pension.

7. The Commissioner, Andhra Pradesh Vaidya Vidhana Parishad, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. P.V. RAMESH
SECRETARY TO GOVERNMENT

To
Sri M.M. Krishna Kumar, formerly working as Manager (Retired),
District Hospital, Rajahmundry, **through** the Commissioner,
A.P. Vaidya Vidhana Parishad, Hyderabad.
The Commissioner, A.P. Vaidya Vidhana Parishad, Hyderabad.

Copy to:

The District Medical & Health Officer, East Godavari District.
The Health, Medical & Family Welfare (B) Department.
P.S. to Minister (H&FW).
P.S. to Secretary to Government.
SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER